

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUAN ALONSO, ABELARDO ARIAS, JAIME LOPEZ, RON
MENIN, LUIS NARANJO, HECTOR OLVERA, PEDRO
ORTIZ, LEONARDO PRIETO, ARKADY SHTEYNBERG,
VICTOR SOLIS, ALEJANDRO TORRES, LUIS XURUC,
and IVAN ZAPATA, on behalf of themselves and all others
similarly situated,

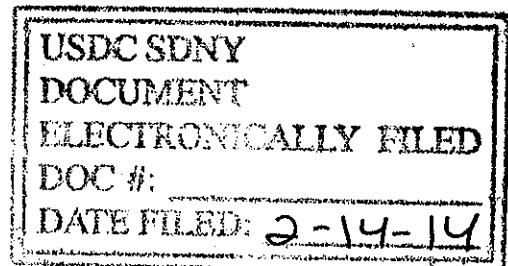
Plaintiffs,

-against-

(LAP)
08 Civ. 7813 (DAB)

UNCLE JACK'S STEAKHOUSE, INC., UNCLE JACK'S
OF BAYSIDE, INC., UNCLE JACK'S STEAKHOUSE
FRANCHISE, INC., UNCLE JACK'S STEAKHOUSE
MIDTOWN, INC., WILLIAM J. DEGEL, THOMAS
CARPENTER, AND DENNIS BOROSOWSKI,

Defendants.



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ORDER PRELIMINARILY APPROVING THE SETTLEMENT AND
AUTHORIZING DISSEMINATION OF NOTICE

The Court, having reviewed the Settlement Agreement entered into between Class Plaintiffs and Defendants, hereby orders:

1. Plaintiffs' Motion for Preliminary Approval of the Settlement between the Class Plaintiffs and the Defendants dated August 15, 2013, appears, upon preliminary review, to be sufficiently fair and reasonable to warrant notice to the class. Accordingly, the proposed settlement is preliminarily approved, pending a final Fairness Hearing as provided herein.

2. The Court will hold a Fairness Hearing pursuant to Rule 23(e) of the Federal Rules of Civil Procedure on May 15, 2014 at 2:00 p.m. in Courtroom ^{12A}~~24B~~, United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York.

3. The Fairness Hearing will be held for the following purposes:

a. to finally determine whether the proposed settlement is fair, reasonable and

adequate and should be granted final approval by the Court pursuant to Rule 23(e) of the Federal Rules of Civil Procedure;

b. to determine whether a final judgment should be entered dismissing the claims of the class against Defendants with prejudice, as required by the Settlement Agreement;

c. to consider the proposed distribution of the Settlement Agreement proceeds;

d. to consider Class Counsel's petition for award of attorneys' fees and litigation expenses; and

e. to rule upon other such matters as the Court may deem appropriate.

4. No later than March 14, 2014, Class Notice, substantially in the form appended to the Parties' Settlement Agreement (Rooney Cert., Exhibit B), shall be sent by the Settlement Administrator via First-Class United States mail, postage prepaid, to all members of the class at their last known address as reflected in the records of the Defendants.

5. The Court finds this manner of giving notice fully satisfies the requirements of Rule 23 of the Federal Rules of Civil procedure and due process, constitutes the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

6. Plaintiffs' Counsel shall file by April 15, 2014, ~~2013~~ proof of mailing of the Notice.

7. As provided in the Notice, each class member who has not previously opted out of the litigation class certified by the Court on September 21, 2011 shall have the right to object to the settlement, the proposed plan of allocation and distribution, and the petition for an award of attorneys' fees and litigation expenses, by filing written objections with the Court not later than April 24, 2014, copies of which shall be served on all counsel for the parties. Failure to timely file and serve written objections will preclude a class member from objecting at the fairness hearing.

8. Plaintiffs' Counsel shall file all briefs, memoranda, petitions and affidavits in support of (1) final approval of the settlement, (2) the proposed plan of allocation and distribution, and (3) the petition for an award of attorneys' fees and litigation expenses no later than May 1, 2014. Any briefs or memoranda in response to objections thereto shall be filed no later than May 8, 2014.

9. The Court may, for good cause, adjourn the Fairness Hearing or extend any of the deadlines set forth in this Order without further notice to Class Members.

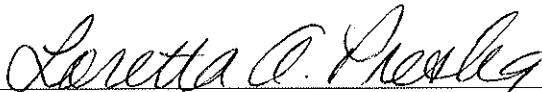
10. The Court retains exclusive jurisdiction over this action to consider all further matters arising out of or connected with the Settlement Agreement.

SO ORDERED:

Dated: New York, New York

~~August _____, 2013~~

February 14, 2014



~~The Honorable Deborah Batts, U.S.D.J.~~

Loretta A. Preska, Chief U.S.D.J.